

**— EXHIBIT 27 —**

**Joseph Moretti**  
**December 7, 2017**

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UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

Civil Action No. 4:15-cv-06314-YGR

\*\*\*\*\*  
ABANTE ROOTER AND PLUMBING, INC., \*  
MARK HANKINS, and PHILIP J. CHARVAT, \*  
individually and on behalf of all \*  
others similarly situated, \*

Plaintiffs \*

v. \*

ALARM.COM INCORPORATED, and \*  
ALARM.COM HOLDINGS, INC., \*

Defendants \*

\*\*\*\*\*

DEPOSITION OF: JOSEPH MORETTI  
CATUOGNO COURT REPORTING SERVICES, INC.

155 South Main Street, Suite 201

Providence, Rhode Island

December 7, 2017

10:03 a.m.

Ellen M. Muir

Court Reporter

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1           **Q.     Were you incorporated?**

2           A.     I was an LLC.

3           **Q.     And is that a Rhode Island LLC?**

4           A.     No, it was a Delaware LLC.

5           **Q.     Delaware. Okay. And is it fair to say**  
6 **Nationwide Alarm was going to, your business was to**  
7 **sell alarm systems to residential homeowners?**

8           A.     Yes, sir.

9           **Q.     And, now, the contracts, when you signed**  
10 **people up, you sold those to Alliance?**

11          A.     Yes, sir.

12          **Q.     And did you sell only to Alliance when**  
13 **you were at Nationwide?**

14          A.     I don't recall. I believe there may have  
15 been maybe three to five deals that I tried selling  
16 elsewhere. I don't recall what companies, though.  
17 But, I mean, the very high majority were to Alliance.

18          **Q.     And would you only take a deal to**  
19 **somebody else if Alliance wouldn't buy it, a**  
20 **contract?**

21          A.     I forget what the exact terms were, but I  
22 really don't recall why I was going to the other  
23 ones. I don't know.

24          **Q.     The vast majority, though, went to**

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1 **Alliance?**

2 A. Yes, sir.

3 **Q. And how would you make sales at**  
4 **Nationwide Alarm?**

5 A. How did we make sales?

6 **Q. Were they only phone based?**

7 A. Yes, sir.

8 **Q. No door knocking?**

9 A. No.

10 **Q. And did you place calls yourself?**

11 A. No, sir.

12 **Q. Did you hire Justin Ramsey to make calls**  
13 **for you?**

14 A. No, sir.

15 **Q. How did you make the calls?**

16 A. My representatives did it.

17 **Q. Okay. And did you have a calling**  
18 **platform that you made calls on?**

19 A. Ytel.

20 **Q. And can you tell me what Ytel is?**

21 A. It is a -- what's the word? -- basically,  
22 like a lead distribution model. I can't think of the  
23 exact word I'm trying to look for but they organized  
24 our leads for us basically.

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1           **Q.       CRM, was that the acronym?**

2           A.       I believe so, yes.

3           **Q.       Was it customer relationship management**  
4 **software?**

5           A.       Yes.

6           **Q.       How many employees did you have at**  
7 **Nationwide?**

8           A.       Anywhere from five to ten at any given  
9 point.

10          **Q.       And were those employees all people**  
11 **working in a call center?**

12          A.       Yes, sir.

13          **Q.       Where was your office located?**

14          A.       Pawtucket.

15          **Q.       Were they working on -- did you have a**  
16 **phone system in-house apart from the Ytel that you**  
17 **dialled out from?**

18          A.       My Ytel was the phone system.

19          **Q.       Ytel was the phone system. And so when**  
20 **you signed up with Ytel, did they provide you with**  
21 **physical telephones to use in the office?**

22          A.       I believe we had physical telephones at  
23 first. We may have been using Cox or Verizon and  
24 then we switched to Ytel shortly after. But Ytel was

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1 a computer-based system.

2 Q. Okay. So looking back on the screen at  
3 Exhibit 141, this is labelled a Master Service  
4 Agreement. Is this the contract that Nationwide  
5 Alarm had with Ytel?

6 A. I don't recall honestly.

7 Q. But do you remember signing a contract  
8 with them to get their services?

9 A. Vaguely. I also had my assistant doing a  
10 lot of stuff like that for me.

11 Q. Who was your assistant?

12 A. Tiffany Webster.

13 Q. And can you describe to me how the Ytel  
14 system would work. Would you have to log in to open  
15 the system at the beginning of the day?

16 A. I believe so. I honestly don't really  
17 remember how the whole thing worked. It was a  
18 pretty intricate system.

19 Q. Did you ever upload numbers for the Ytel  
20 system to dial out to?

21 A. I believe so.

22 Q. And where did you get those phone numbers  
23 to call?

24 A. Multiple lead sources. I mean, probably

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1     ten different lead sources we had at any given time.

2           **Q.     Do you remember --**

3           A.     You know, trial and error system.

4           **Q.     Was Data World Technologies one of those**  
5 **data lead sources?**

6           A.     I don't recall that name at all.

7           **Q.     How about Data Guru?**

8           A.     I don't recall that name either.

9           **Q.     Do you remember any of the names of the**  
10 **sources of --**

11          A.     I really don't, to be completely honest.

12          **Q.     And when you say "lead sources," was that**  
13 **essentially data with phone numbers and names and**  
14 **addresses of people you would call?**

15          A.     Correct.

16          **Q.     And you could upload that to the Ytel**  
17 **system. Did it dial the numbers for you?**

18          A.     Yes, sir. Well, we had manual dial  
19 option as well as automatic dial option.

20          **Q.     And did you ever place robocalls directly**  
21 **from Nationwide Alarm via the Ytel system?**

22                   MS. SCHUCHARDT: Objection to form.

23          A.     A robocall, what's that?

24          **Q.     Like a call that would go out with a**

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1     prerecorded message that would play when the person  
2     picked up on the other end?

3             A.     No.

4             Q.     Now, if you ran the Ytel system in an  
5     automatic dialling mode, how did your people know  
6     when to pick up; how did the system work, would  
7     somebody have picked up on the other end?

8             A.     It would beep.

9             Q.     And did the system automatically find the  
10    available call center person in your office?

11            A.     I really don't recall exactly how it  
12    worked, but I believe it was something similar to  
13    that.

14            Q.     Okay. Did you or Nationwide Alarm have a  
15    subscription to the Do Not Call List?

16            A.     Could you please explain what you mean by  
17    that, a subscription?

18            Q.     Yeah. Did you ever download numbers from  
19    the federal government's Do Not Call List as the  
20    people that you couldn't call?

21            A.     To use in my office?

22            Q.     Yes.

23            A.     Absolutely not.

24            Q.     At Nationwide Alarm you only sold home



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1 I, ELLEN M. MUIR, a Commissioner of the State  
2 of Rhode Island, do hereby certify that JOSEPH  
3 MORETTI came before me on the 7th day of December,  
4 2017, at CATUOGNO COURT REPORTING SERVICES, INC., 155  
5 South Main Street, 2nd Floor, Providence, Rhode  
6 Island, and was by me duly sworn to testify to the  
7 truth and nothing but the truth as to his knowledge  
8 touching and concerning the matters in controversy in  
9 this cause; that he was thereupon examined upon his  
10 oath and said examination reduced to writing by me;  
11 and that the statement is a true record of the  
12 testimony given by the witness, to the best of my  
13 knowledge and ability.

14 I further certify that I am not a relative or  
15 employee of counsel/attorney for any of the parties,  
16 nor a relative or employee of such parties, nor am I  
17 financially interested in the outcome of the action.

18 WITNESS MY HAND this 15th day of February,  
19 2017.

20  
21  
22 Ellen M. Muir  
23 Commissioner of the  
24 State of Rhode Island

  
My Commission expires:  
November 31, 2021

